

Notice of Allowability

Application No.

09/886,771

Examiner

Tony Mahmoudi

Applicant(s)

BRADLEY ET AL.

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the After-Final MAendment filed on 04/25/2007.
2. ☒ The allowed claim(s) is/are 1-4, 6, 8-10, 22, and 24-26, re-numbered as claims 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Remarks

1. In response to the After-Final Amendment filed on 25-April-2007, Claims 5, 7, 11-21, 23, and 27-31 are canceled, and claims 1-2, 6, 8, and 22 are amended per Applicant's request. Therefore, claims 1-4, 6, 8-10, 22, and 24-26 are currently pending in the application, of which, claims 1, 8, and 22 are presented in independent form.

Allowance

2. Independent claims 1, 8, and 22 (and their dependent claims 2-4, 6, 9-10, and 24-26) are allowed over the prior art made of record.
3. The following is an examiner's statement of reasons for allowance:

The applicant's amendment After Final, filed on 25-April-2007 overcome the cited prior art with respect to the limitations recited in the independent claims:

Independent claims 1, 8 and 22 were amended by the Applicant to recite the "allowable subject matter" (as determined by the Examiner in the previous Office Action) of dependent and intervening claims 5 and 7; 12, 13, and 15; and 27, respectively.

The prior art of record do not disclose, teach, or suggest the claimed limitations of “the similarity between configurations being based on a distance between bit patterns of the discrete attributes”, and “identifying configurations including tabulating data records having the same discrete attribute bit pattern”, and “combining the data records from similar configurations before clustering the data records so tabulated based on continuous attributes”, as recited in independent claims 1 and 22.

The prior art of record do not disclose, teach, or suggest the claimed limitations of “merging the intermediate clusters is performed until a distance between two closest clusters is greater than a threshold distance”, wherein “the merging is based on a distance between clusters that is determined based on both continuous and discrete attributes of the intermediate clusters”, as recited in independent claim 8.

Conclusion

4. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

May 1, 2007



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